



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: July 23, 2009

CBCA 1458

BAGBY ELEVATOR COMPANY, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Christopher C. Mingledorff of Moore Ingram Johnson & Steele, LLP, Marietta, GA, counsel for Appellant.

Harold W. Askins, III, Office of Regional, Department of Veterans Affairs, Decatur, GA, counsel for Respondent.

VERGILIO, Board Judge.

ORDER

On December 22, 2008, the Board received a notice of appeal from Bagby Elevator Company, Inc. (contractor), filed pursuant to the Contract Disputes Act of 1978, as amended, 41 U.S.C. §§ 601-613 (2006) (CDA). Underlying this dispute is the contractor's contract, V247-P-0078, with the Department of Veterans Affairs. The contractor seeks money for work performed on two elevator projects--one in Decatur, Georgia, and one in Montgomery, Alabama. For Georgia, it seeks \$16,873.69 for labor, services, and materials to repair damages it claims were caused by non-contractor testing procedures, and \$3960.70 for contractual maintenance. For Alabama, it seeks \$3160.31 for contractual maintenance.

On July 22, 2009, the Board received from the contractor a request for an order of dismissal pursuant to Rule 12(c). Accordingly, the Board **DISMISSES WITH PREJUDICE** this appeal.

JOSEPH A. VERGILIO
Board Judge